

Message Text

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ACTION DLOS-07

INFO OCT-01 AF-10 ARA-16 EA-11 EUR-25 NEA-14 RSC-01 ISO-00

CG-00 CIAE-00 DODE-00 PM-07 H-03 INR-11 L-03 NSAE-00

NSC-07 PA-04 PRS-01 SP-03 SS-20 USIA-15 AID-20 CEQ-02

COA-02 COME-00 EB-11 EPA-04 IO-14 NSF-04 SCI-06

ACDA-19 AEC-11 AGR-20 DOTE-00 CIEP-02 FMC-04 INT-08

CEA-02 JUSE-00 OMB-01 OIC-04 TRSE-00 DRC-01 /294 W

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R 151513Z JUL 74

FM AMEMBASSY CARACAS

TO SECSTATE WASHDC 4703

INFO AMEMBASSY ASUNCION

AMEMBASSY BAMAKO

AMEMBASSY DAKAR

AMEMBASSY DUBLIN

AMEMBASSY KUWAIT

AMEMBASSY LIMA

AMEMBASSY PARIS

AMEMBASSY PHNOM PENH

AMEMBASSY TUNIS

USIA WASHDC

USUN NEW YORK 660

AMEMBASSY VALLETTA

AMEMBASSY VIENNA

UNCLAS SECTION 1 OF 2 CARACAS 06521

FROM US DEL LOS

USIA FOR IPS AND IBS

E.O. 11652: N/A

TAGS: PLOS

SUBJECT: LOS: SUMMARY OF GENERAL DEBATE: 11 JULY

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1. PERU. AMB. BAJULA DELIVERED VIGOROUS DEFENSE OF 200 MILE TERRITORIAL SEA AND ACCUSED MARITIME POWERS OF OFFERING ACCEPTANCE OF 200MILE ECONOMIC ZONE ONLY IF COASTAL STATE RENOUNCES ESSENTIAL RIGHTS AND ACCEPTS EMASCULATING RESTRICTIONS. ZONE WITHIN 200 MILES MUST, HE SAID, REMAIN SUBJECT TO SOVEREIGNTY OF COASTAL STATE NOT ONLY TO CONTROL EXPLORATION AND EXPLOITATION OF ALL RESOURCES, PRESERVATION OF ENVIRONMENT CONTROL OF SCIENTIFIC RESEARCH, BUT ALSO QUOTE OTHER ECONOMIC USES AND RELATED INTERESTS. UNQUOTE. BAKULA ATTACKED PROPOSAL TO HAVE INTERNATIONAL AUTHORITY AND OTHER JURIDICAL PERSONS UNDERTAKE EXPLOITATION OF RESOURCES IN DEEP SEABED AND STATED AUTHORITY SHOULD HAVE EXCLUSIVE POWER TO EXPLOIT. EXPLOITATION OF SEABED BEFORE REGIME IS ESTABLISHED WOULD BE MODERN PIRACY AND THREATEN BEYOND RESCUE ALL PROCEEDINGS INITIATED THIS FAR COVERING ALL OF THE LAW OF THE SEA.

2. TUNISIA. AMB. KEDASI STRESSED POLLUTION DANGERS FROM VESSEL POLLUTION BUT SUPPORTED FREEDOM OF NAVIGATION AS LONG AS NO THREAT TO ECOLOGY, FISHERIES, OR SOVEREIGNTY. HE ADVOCATED INNOCENT PASSAGE IN STRAITS, 200MILE ECONOMIC ZONE, 12 MILE TERRITORIAL SEA AND COASTAL STATE CONTROL OVER POLLUTION ENFORCEMENT AND SCIENTIFIC RESEARCH IN ZONE. KEDADI PROPOSED QUOTE EQUITABLE LINES OF DIVISION UNQUOTE AS REPLACEMENT FOR GEOMETRIC-EQUIDISTANT LINES FOR DELIMITATION BETWEEN STATES FACING EACH OTHER WHICH WOULD TAKE INTO ACCOUNT GEOGRAPHIC AND GEOMORPHOLOGICAL CRITERIA.

3. MALTA. A. BELLIZZI STRESSED MALTA'S ECONOMIC AND POPULATION PLIGHT AND DEPENDENCE ON SEA. NOTING TREND AT CONF FOR EXCLUSIVE ECONOMIC ZONE MALTA COULD ADAPT ITS VIEWS TO CONFORM BUT ADDED SPECIAL ARRANGEMENTS, PARTICULARLY POLLUTION CONTROLS, ARE REQUIRED FOR MEDITERRANEAN.

4. GAMBIA. S.K. COKER ADVOCATED 12 MILE TERRITORIAL SEA AND 200MILE EXCLUSIVE ECONOMIC ZONE. COKER EMPHASIZED IMPORTANCE OF FISHING TO GAMBIA AND DENOUNCED OVER-FISHING BY FOREIGN DEVELOPED STATES.
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5. IRELAND. ATTORNEY GENERAL COSTELLO URGED BUILDING ON EXISTING INTERNATIONAL LAW AND ADOPTION OF 12 MILE TERRITORIAL SEA BUT WITH BASELINE CRITERIA ENSURING FAIRNESS TO NEIGHBORING STATES. COSTELLO SUPPORTED ECONOMIC ZONE WITH COASTAL STATE CONTROL OF FISHING, RESOURCES, NAVIGATION, SCIENTIFIC, RESEARCH, AND POLLUTION STANDARDS. STATE OF ORIGIN OF ANADROMOUS SPECIES SHOULD MANAGE, CONTROL

AND EXPLOIT THEM.

6. PARAGUAY. V.M. FIGURED O APPEALED TO CONF TO CONSIDER PLIGHT OF LDC LAND-LOCKED STATES AND PROVIDE FOR SHARING OF REVENUE FROM EXPLOITATION OF SEA. LAND-LOCKS MUST HAVE EQUAL RIGHTS IN ECONOMIC ZONES OF THEIR REGIONS.

7. KHMER REPUBLIC. MINISTER OF FOREIGN AFFAIRS KEUKY LIM ADVOCATED 12 MILE TERRITORIAL SEA AND 188 EXCLUSIVE ECONOMIC ZONE WITH FULL COASTAL STATE SOVEREIGNTY. RULES OF INOCENT PASSAGE SHOULD BE REVISED IN RESPECT TO WARSHIPS, TANKERS, AND LARGE FISHING VESSELS.

8. AUSTRIA. HARALD GOEDEL SAID MAJOR ENDEAVOR OF CONF SHOULD BE TO CLOSE GAP BETWEEN RICH AND POOR AND CREATING OPPORTUNITY FOR ALL STATES TO SHARE IN EXPLOITING SEAS. DELIMITATION IS CRUCIAL ISSUE AND EQUITABLE TREATMENT OF LAND-LOCKED STATES INTERESTS IS ESSENTIAL. AUSTRIA SUPPORTS ALL EFFORTS TO PROMOTE SCIENTIFIC RESEARCH AND TRANSFER OF TECHNOLOGY.

9. SENEGAL. AMADOU CISSE SAID IMPORTANT DECISIONS IN FUTURE SEABED AUTHORITY SHOULD BE TAKEN BY ASSEMBLY, NOT COUNCIL. SENEGAL WILL ACCEPT 12 MILE TERRITORIAL SEA IF THERE IS A 200 MILE ECONOMIC ZONE WITH COASTAL STATE JURISDICTION OVER NON-RENEWABLE RESOURCES BUT SHARING OF LIVING RESOURCES WITH NEIGHBORING LAND-LOCKED STATES.

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10. KUWAIT. KUWAIT REP EXPRESSED SUPORT FOR 12 MILE LIMIT FOR TERRITORIAL SEA. HE STATED THAT RIGHT OF INNOCENT PASSAGE WHILE ADEQUATE TO PROTECT NAVIGATION IN TERRITORIAL SEA IS NOT PRACTICAL IN CASE OF STRAITS AS IT IS SUBJECTIVELY DETERMINED BY COASTAL STATE. HE SAID FREEDOM OF NAVIAGTION MUST BE GUARANTEED FOR MERCHANT SHIPS IN STRAITS USED FOR INTERNATIONAL NAVIGATION AT ALL TIMES. HE ADDED THAT DIFFERENT CRITERION SHOULD BE APPLIED TO WARSHIPS SO AS TO PROTECT THE SAFETY AND SECURITY OF THE COASTAL STATE. HE STRESED THAT THE STRAITS ARTICLE SHOLD NOT DETRACT FROM PROVISIONS OF UN CHARTER PERTAINING TO RIGHT OF SELF-DEFENSE AND NATIONAL SECURITY. KUWAITI REP URGED THAT OUTER LIMIT OF CONTINENTAL SHELF BE DEFINED BY 200 METER ISOBATH AND THAT EXPLOITABILITY CRITERION SHOULD BE DISCARDED. HOWEVER, HE STATED THAT WHERE DEPTH CRITERION ALONE CAUSES HARD-SHIP TO COASTAL STATES, DEPTH CRITERION CAN BE SUPPLEMENTED BY DISTANCE. HE ARGUED AGAINST ESTABLISHMENT OF LARGE FISHING ZONES AND URGED INTERNATIONAL CONSERVATION MEASURES AND FISHERIES COMMISSIONS FOR ENCLOSED AND SEMI-

ENCLOSED SEAS. ON SCIENTIFIC RESEARCH, KUWAITI REP SUGGESTED THAT DISTINCTION BE DRAWN BETWEEN RESEARCH CONDUCTED BY NATIONAL AND INTERNATIONAL INSTITUTIONS WITH LESS STRINGENT RULES APPLIED IN LATTER CASE. HE COMMENDED WORK OF IMCO IN FIELD OF PREVENTION OF MARINE POLLUTION. KUWATI REP FAVORED INTERNATIONAL REGIME WITH THE WIDEST POSSIBLE INTERNATIONAL ARE AND AN INTERNATIONAL MACHINERY HAVING THE BROADEST AND MOST COMPREHENSIVE POWERS WITH REGULATORY AND OPERATIONS FUNCTIONS.

11. FRANCE: JEANNEL FAVORED 12-MILE TERRITORIAL SEA WITHIN WHICH CLASSIC DOCTRINE OF INNOCENT PASSAGE WOULD APPLY. IN INTERNATIONAL STRAITS THERE SHOULD BE A RIGHT OF FREE TRANSIT NOT DEPENDENT ON THE COASTAL STATE. HE URGED CONFERENCE TO CONSIDER SPECIAL PROBLEMS OF ARCHIPELAGO STATES AND TO FIND SOLUTIONS SATISFACTORY TO THE INTERESTED COUNTRIES. THESE SOLUTIONS, HE SAID, SHOULD NOT RESTRICT FREEDOM OF COMMUNICATIONS IN THE BROAD AREAS AFFECTED. JEANNEL EXPRESSED SUPPORT FOR 200-MILE LIMIT FOR SEABED RESOURCES. ON FISHERIES HE STATED THAT COASTAL STATE SHOULD MANAGE LIVING RESOURCES IN LARGE AREA BEYOND THE

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TERRITORIAL SEA; THE QUESTION OF PRESERVATION AND CONSERVATION OF SPECIES WILL VARY DEPENDING ON SPECIES AND REGIONS; IT IS DIFFICULT TO ESTABLISH PROPERTY RIGHTS OVER LIVING RESORCES BEFORE THEY ARE CAUGHT BECAUSE OF THEIR MOBILITY, ESPECIALLY HIGHLY MIGRATORY SPECIES; UNDER-EXPLOITAION IS INTOLERABLE; AND HIGH SEAS FISHERIES SHOULD BE EQUITABLY SAFEGUARDED.

12. JEANNEL STATED THAT IN THE ECONOMIC ZONE, STATES SHOULD HAVE SPECIAL RIGHTS IN CONNECTION WITH POLLUTION CONTROL. INTERNATIONAL AND REGIONAL REGULATIONS MUST BE EMPLOYED, HOWEVER, SINCE POLLUTION KNOWS NO BOUNDARIES. IMCO AND ICAO WERE RECOMMENDED AS THE MOST LOGICAL ORGANIZATIONS TO SET THOSE REGULATIOS. TO THIS RULE THERE MUST BE TWO EXCEPTIONS TO GUARD AGAINST FLAG STATE NEGLIGENCE IN THE ENFORCEMENT OF INTERNATIONAL REGULATIONS; THE COASTAL STATE MUST BE ABLE TO BRING A CASE IN THE COURTS OF THE FLAG STATE; AND IF FLAG STATE FAILS TO PROSECUTE, THEN COASTAL STATE SHOULD BE PERMITTED TO DO SO.

13. WITH RESPECT TO SCIENTIFIC RESEARCH, JEANNEL STATED THAT GENERAL PRINCIPLES SHOULD BE ADOPTED WHICH COULD THEN BE TRANSFORMED INTO TECHNICA JURIDICAL NORMS.

14. JEANNEL STATED IT IS ESSENTIAL TO PROVIDE A MEANS TO SETTLE DISPUTES. HE SUGGESTED THAT TSTATEE MIGHT BE WILLING TO SUBMIT SPECIFIC DISPUTES TO A MANDATORY SETTLEMENT

PROCEDURE. HE URGED CONFERENCE NO TO ESTABLISH A COURT
OF GENERAL JURISDICTION.
STEVENSON

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